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10 Attorneys for Plaintiff
11 COUPONS, INC.
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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION
16

17 COUPONS, INC.,
18

Case No. 5:07-cv-03457 HRL

19 Plaintiff,
20 vs.
21 JOHN STOTTELMIRE, and DOES 1-10,
22 Defendants.
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24 **NOTICE OF MOTION AND MOTION TO
CONTINUE HEARING AND CASE
MANAGEMENT DATES**

25 Judge: Honorable Howard R. Lloyd
26 Courtroom: 2
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28 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

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30 **PLEASE TAKE NOTICE THAT** Plaintiff Coupons, Inc. hereby moves pursuant to
31 Local Rule 6-3 for a continuance of the hearing date on Defendant's pending motions, and for a
32 continuance of the Case Management Conference and related dates.
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34 **I. STATEMENT OF FACTS**
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36 On October 19, 2007, Plaintiff Coupons, Inc. substituted in the law firm of Farella Braun
37 + Martel LLP as attorneys of record in this action in place of Wilson, Sonsini, Goodrich &
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1 Rosati.¹ Coupons asked Defendant John Stottlemire to stipulate to brief extensions of time to file
2 oppositions to Defendant's Motion to Dismiss or for Summary Judgment and his Motion for
3 Sanctions ("the pending motions"), and to respond to upcoming case management deadlines.
4 Coupons asked for the extensions to allow new counsel to gather and review the files in this
5 matter. On Thursday, October 18, Defendant and Coupons agreed to short extensions of time for
6 the briefing and hearing of the pending motions, and for upcoming case management deadlines.
7 Defendant stated that he would sign a stipulation after Coupons formally substituted in new
8 counsel.

9 On Friday, October 19, 2007, Coupons filed its Substitution of Attorneys and served a
10 copy on Defendant. Coupons also provided a draft stipulation to Defendant. Defendant asked
11 that the stipulation be modified to address certain local rule requirements, which Coupons did on
12 Monday morning, October 22. Defendant then told Coupons that he would not agree to the
13 stipulation because Coupons had not obtained a court order allowing the Wilson Sonsini firm to
14 withdraw and insisted that such a court order was necessary under Local Rule 11-5. As a result,
15 Defendant would not sign the proposed stipulation.

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17 Coupons therefore requests that the Court grant the proposed extensions that had been
18 agreed to by Defendant, but for the dispute over the propriety of the Substitution of Attorneys.
19 These extensions are:

- 20 1. The hearing on the pending motions shall be continued from November 13, 2007
21 to December 4, 2007;
- 22 2. The deadline for filing oppositions to the pending motions shall be November 6,
23 2007;
- 24 3. The deadline for filing replies to the pending motions shall be November 20, 2007;
- 25 4. The parties shall meet and confer and file a case management conference
26 statement on or before November 13, 2007;

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¹ The facts are set forth in the accompanying Declaration of Dennis M. Cusack in Support of Motion to Continue
Hearing and Case Management Dates.

5. The case management conference shall be continued from November 6, 2007 to November 20, 2007;

6. The parties shall exchange initial disclosures on or before December 11, 2007.

The only previous time modification in this case was a Court-ordered 60-day extension of time for Defendant John Stottlemire to respond to the Complaint. The requested continuance of the hearing on the pending motions and of the Case Management Conference will only delay proceedings in the case by three weeks. The continued date for initial disclosures should not have any significant impact because discovery would not be expected to begin until after the pending motions are heard and decided.

II. CONCLUSION

Coupons therefore requests that the court grant the continuances and extensions as proposed.

Dated: October 22, 2007

FARELLA BRAUN + MARTEL LLP

By: _____ /s/
Dennis M. Cusack